

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gerianne Tringali DiPiano, John Andrew Ziemniak, and
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Patent No.: 7,591,808 Issued: September 22, 2009

Serial No.: 10/759,695 Filed: January 16, 2004

For: *VAGINAL OR RECTAL APPLICATOR*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF REQUEST FOR RECALCULATION OF PATENT
TERM ADJSUTMENT IN VIEW OF *WYETH***

Sir:

Pursuant to the Interim Procedure for Patentees to Request a Recalculation of the Patent Term Adjustment to Comply with the Federal Circuit Decision in Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan 7, 2010) regarding the overlapping delay provision of 35 U.S.C. § 154(b)(2)(A), Applicants enclose Form PTO/SB/131. This request is timely filed not more than 180 days, not including United States federal holidays, from the issue date of September 22, 2009. Recalculation of Patent Term Adjustment is respectfully requested.

It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-3129.

Respectfully submitted,

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